

REMARKS

This Request for Continued Prosecution is in response to a final rejection dated March 27, 2001. Reconsideration and allowance of claims 2-15 remaining in the application are respectfully requested.

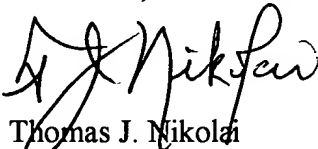
Claims 1-13 were rejected under 35 U.S.C. §102(b) as being anticipated Galloway (U.S. 4,738,667) which the Examiner contends shows a catheter having a closed loop that is non-concentric with respect to the longitudinal axis of shaft 10. In response to the first Official Action, applicant's attorney urged that the loop structure shown in the Galloway patent was concentric with the axis of the straight shaft portion 10. The Examiner relies on the view of Figure 3A which perhaps arguably shows the center of the loop to be very slightly offset from the shaft's longitudinal axis.

Applicant has now amended independent claims 1 (new claim 15) and 12 to clearly define over the Galloway reference. As now claimed, the longitudinal axis of the shaft is offset to the extent that it passes through the perimeter of the closed loop. As is pointed in applicant's specification, by having the closed loop offset from the longitudinal axis of the shaft by the extent now claimed, any tendency for the device to migrate is substantially reduced when contrasted to a device of the type described and illustrated in the Galloway patent.

It is submitted that the claims, as now presented, patentably define over the cited art in that they are neither anticipated by the Galloway patent teachings nor is the present invention made obvious. A favorable Action by way of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Marked-up Version of Claims Being Amended

2 (amended). An apparatus, as in Claim [1] 15, further comprising a lumen configured to receive a stylet, wherein the lumen is coextensive with the shaft and substantially coextensive with the retention structure.

3 (amended). An apparatus, as in Claim [1] 15, further comprising a hydrogel coating disposed on an outer surface of the catheter.

4 (amended). An apparatus, as in Claim [1] 15, wherein the shaft includes an orientation marking at a proximal end of the shaft.

5 (amended). An apparatus, as in Claim [1] 15, wherein a proximal end of the shaft includes a beveled edge.

6 (amended). An apparatus, as in Claim [1] 15, wherein the retention structure further includes a protuberance projecting from the retention structure

12 (Amended). A method treating incontinence, comprising:

providing an apparatus including a shaft and a retention structure, wherein the retention structure [is configured as] forms a perimeter of a closed loop defining a plane that is generally perpendicular to [non-concentrically disposed about] a longitudinal axis of the shaft and the longitudinal axis of the shaft is offset from a center of the closed loop and passes through the perimeter of the closed loop when the retention structure is unrestrained;

rendering the retention structure substantially rectilinear;

inserting the rectilinear retention structure through a urethra into a bladder;

reforming the retention structure into [a] the closed loop [non-concentrically disposed about a longitudinal axis of the shaft]; and

positioning the retention structure adjacent the neck of the bladder with the [non-concentrically disposed] retention structure in a predetermined orientation.